

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Center for Beneficiary Choices  
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## **HEALTH PLAN BENEFITS GROUP**

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Date: November 24, 2003

To: Medicare + Choice Organizations  
Medicare +Choice Demonstrations  
Section 1876 Cost-Based Contractors

From: Cynthia Moreno /s/  
Acting Director

Subject: National Do-Not-Call-Registry Rules

In 2003, the Consumer and Governmental Affairs Bureau of the Federal Communications Commission (FCC) implemented rules that enhanced the Telephone Consumer Protection Act (TCPA). These enhancements included the establishment of a National Do-Not-Call Registry, in coordination with the Federal Trade Commission (FTC). On October 1, 2003, the National Do-Not-Call Registry went into effect. It is nationwide in scope, includes all telemarketers, and covers both inter- and intra-state telemarketing calls (the rules are outlined in 47 CFR 64.1200).

The changes to the FCC's telemarketing regulations apply to all companies subject to its jurisdiction, this includes health insurance companies, which contract with CMS. However, there are exceptions such as:

- ❑ Calls from non-profit tax-exempt companies may continue.
- ❑ If a business relationship has been established, then that firm may continue calling its existing customers (i.e., you may continue to call your members).
- ❑ Prior customers (members) are allowed to be called up to 18-months (i.e., up to 18-months after the effective date of disenrollment).
- ❑ Calls which are not commercial or do not include unsolicited advertisements may continue.
- ❑ Calls where prior written consent was given may also continue for a period up to 3-months (for example, a participant in a sales presentation who releases his/her phone number to a sales person can be contacted for a period of up to 3-months after the date of the presentation).

CMS recognizes that the National Do-Not-Call Registry ruling may require Medicare managed care organizations to revise their marketing activities. All contractors should make any changes necessary in order to comply with the FCC ruling.

If you have any concerns and issues regarding the National Do-Not-Call-Registry, please visit the FCC website at [www.fcc.gov/cgb/donotcall](http://www.fcc.gov/cgb/donotcall) for further information.

Questions in regard to this Memorandum may be directed to Anne Avery at [aavery@cms.hhs.gov](mailto:aavery@cms.hhs.gov) .